

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

FOUR WOMEN HEALTH SERVICES,
LLC.

Plaintiff,

v.

ABUNDANT HOPE PREGNANCY
RESOURCE CENTER INC. D/B/A
ATTLEBORO WOMEN’S HEALTH
CENTER, CATHERINE ROMAN, NICOLE
CARGES, DARLENE HOWARD, AND
CHOOSE LIFE MARKETING, LLC,

Defendants.

Case No. 1:24-cv-12283-JEK

DEFENDANT CHOOSE LIFE MARKETING, LLC’S MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant Choose Life Marketing, LLC respectfully moves to dismiss the claims against it filed by Plaintiff Four Women Health Services, LLC. As grounds for this motion, Choose Life Marketing, LLC, relies upon its accompanying memorandum of law in which it explains how Plaintiff’s claims under M. G. L. c. 93A fail because that act does not apply to non-profit activities, Plaintiff has not alleged the requisite commercial relationship, nor the requisite deceptive acts necessary to make out a Chapter 93A claim; Plaintiff’s claims under the Lanham Act fail because Choose Life Marketing’s speech is not commercial advertising; Plaintiff has failed to allege Choose Life’s statements are material, as required under both the Lanham Act and Chapter 93A; and throughout that Plaintiff has not met the heightened pleading standards of Rule 9(b) as required for its fraud-based allegations. Finally, Choose Life Marketing explains that its actions are protected speech under the First Amendment.

Respectfully submitted, this 14th day of March, 2025.

/s/ Peter Breen

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CERTIFICATION UNDER LOCAL RULE 7.1(a)(2)

Pursuant to Local Rule 7.1(a)(2), on March 14, 2025, counsel for Choose Life Marketing conferred with Plaintiff's counsel in a good faith attempt to resolve or narrow the issues raised by this motion. Plaintiff's counsel indicated that Plaintiff opposes this motion.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Choose Life Marketing believes that oral argument may assist the Court, and requests oral argument on this motion.

CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2025, I served a copy of the foregoing document upon the following counsel of record via email:

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Dated: March 14, 2025

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